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STATE OF COLORADO DEPARTMENT OF LAW

AGENDA

Colorado Natural Resources Trustees Meeting November 18, 2025 10:00 am to 12:00 pm

Location:

Ralph L. Carr Judicial Center, 2 East 14th Avenue, Denver, Colorado
Dunbar Conference Room, 8th Floor

Note: Please arrive a few minutes early to go through security and check-in at front desk (escort required to 8th Floor).

**Note: A hyperlink to a Microsoft Teams meeting will be posted on the Trustee website:
[Colorado Natural Resources Trustees Upcoming Meetings](#)**

Open Session

1. Approve Agenda - 1 minute

2. Approval of Minutes from August 26, 2025 Meeting - 1 minute

Action Item:

(1) Review and approve minutes from August 26, 2025 meeting

Document:

(1) Draft minutes from August 26, 2025 meeting

3. Schedule Meetings for 2026 (Laura Kelly) - 5 minutes

Action Item:

(1) Schedule four meetings

Documents: None

4. Budgets Update - (Jennifer Talbert) - 1 minute

Action Items: None

Document:

(1) Budget Spreadsheet

5. Recent Investigations - (Mindi May) - 10 minutes

Action Items: None

Documents: None

6. Bonita Peak Mining District - (Jason King, Mark Rudolph, Pete Conovitz) - 5 minutes

Action Items: None

Documents: None

Executive Session

7. Home Lake State Wildlife Area - (Shelley Hickerson, Lauren Bonura, Mindi May) - 10 minutes

Action Items: None

Documents: None

8. Bishop Well/Galeton - (Shelley Hickerson, Lauren Bonura, Mindi May) - 10 minutes

Action Items: None

Documents: None

Open Session

9. Report from Executive Session - (David Kreutzer) - 1 minute

Action Items: None

Documents: None

10. Vail After Action Review - (David Banas) - 15 minutes

Action Items: None

Documents: None

ITEM #2

Colorado Natural Resource Damages (NRDs) Trustees
Meeting Minutes
August 26, 2025
Vail Public Library
(Approved _____)

Attendance

Trustees

Tanja Wheeler, Associate Chief Deputy Attorney General
Aaron Ray, Director of Policy, Colorado Department of Natural Resources (DNR)
Tracie White, Director of Hazardous Materials and Waste Management Division,
Colorado Department of Public Health and Environment (CDPHE)]

Trustee Staff

Lukas Staks, Senior Assistant Attorney General, Office of the Attorney General,
Natural Resources and Environment Section (NRE)
David Kreutzer, First Assistant Attorney General, NRE
David Banas, Senior Assistant Attorney General, NRE
Jason King, Senior Assistant Attorney General, NRE
Shelley Hickerson, Assistant Attorney General, NRE
Jonathon Lubrano, Assistant Attorney General, NRE
Jennifer Talbert, Remediation Program Manager, CDPHE
Lauren Bonura, Project Manager, CDPHE
Mindi May, Water Quality Program Coordinator, DNR
Pete Conovitz, Water Rights Program Administrator, DNR

Other State Staff

Laura Kelly, Senior Paralegal, NRE
John Ott, AGO Information Technology Division
Mindy Baumgardner, AGO Division of Community Engagement

Public

Nancy Johnston, Trout Unlimited
Peter Wadden, Town of Vail
Lucas Babbitt, WaterVation

Open Session

Trustee Wheeler called the Trustee Meeting to order at approximately 10:00 a.m. on August 26, 2025 (held at the Vail Public Library and via Teams). The Meeting's purpose was to brief the Trustees on the current status of issues relating to natural resource restoration projects, and to request direction and/or approval for various actions.

Agenda

Trustee White moved to approve the Agenda. Trustee Ray seconded the motion and the motion was unanimously approved.

Minutes

Trustee Wheeler presented the minutes from the May 20, 2025, Trustee Meeting. Trustee Ray moved to approve the May 20, 2025, Minutes. Trustee White seconded the motion, and the motion was unanimously approved.

Budgets Update

Jennifer Talbert presented the budgets update noting that all the Shattuck and Suncor funds have been spent and restoration projects are complete, so they will not appear in future reports. She then reported that Senate Bill 25-317 passed by the Legislature allocates all the interest accrued in NRDs funds during fiscal years 2025 and 2026 to the general fund. The NRDs account was swept on July 1, 2025, taking interest totaling \$624,617 which was earned in fiscal year 2025. Ms. Talbert noted that this legislation eliminates the language “and any derived interest” which might prevent the NRDs fund from being able to hold interest in the future. Trustee staff will investigate what this language means moving forward, but in the meantime CDPHE will not include interest in current and future NRDs contracts. Staff will provide an update on this issue at the next Trustee Meeting.

Recent Investigations

Mindi May reported on four recent investigations:

- On June 11, 2025, an oil tanker struck a cow near Greeley, resulting in 9,000 gallons of crude oil spilling onto a roadway. The spill was investigated by a Colorado Parks and Wildlife (CPW) wildlife officer who found the spill was contained in a barrow ditch. There were no additional concerns for wildlife or other natural resources so no further action is needed.
- On July 16, 2025, the Ware and Hines ditch applied the herbicide Teton to control algae and vegetation in the ditch. CPW aquatic biologists and wildlife officers collected 145 dead fish and water samples. The water samples and two fish were tested for the pesticide, but it was not at detectable levels. Trustee staff and the Colorado Department of Agriculture decided no further action is needed, but CPW is still considering action.
- On August 20, 2025, the spill line was notified that a retaining wall had been constructed with bags of dry concrete mix in Lean Gulch in Wheat Ridge. CPW was concerned that rain or higher flows in Lena Gulch would result in a fish kill. CPW worked with the City of Wheat Ridge, and the City ordered the wall be removed. CPW is monitoring this situation to make sure no fish kill occurs prior to the wall being removed.
- On August 27, 2025, CPW found over 1,000 dead fish in the Poudre River downstream of the JBS discharge point. The cause has not yet been determined, but water samples have been submitted for testing.

North St. Vrain

David Banas reminded the Trustees of their November 14, 2024 approval of \$250,000, plus interest, to the Watershed Center for its North St. Vrain River Restoration Project, which included a requirement to contract with CDPHE by December 31, 2025. Mr. Banas explained that most Trustee resolutions allow five years for project proponents to obtain matching funds and contract with CDPHE, and this one-year deadline was an oversight. The Watershed Center is unable to meet the current contracting deadline due to delays outside its control and is requesting additional time to finalize a contract. Trustee staff recommended that the deadline to contract with CDPHE be extended to December 31, 2029.

Trustee Ray moved to approve the resolution extending the deadline for the Watershed Center to enter into a contract with CDPHE to December 31, 2029. Trustee White seconded the motion, and the motion was unanimously approved.

Bishop Well near Galeton

Shelley Hickerson reported that the cooperative assessment agreement with Chevron has been executed. Staff has hired Biodiversity Research Institute's environmental consulting division ("BRI") and will begin submitting invoices for assessment costs. Mindi May provided background about the Bishop Well oil spill near Galeton and how a well lost containment causing a four-day geyser of fracking fluids, groundwater, and oil and gas, some of which was blown or drained into Willow Creek. Ms. May reported that CPW collected two rounds of fish, bug, water, and sediment samples and is awaiting results. CPW also met with Colorado's Energy and Carbon Management Commission regarding groundwater data collection, and will begin sharing raw data with Chevron pursuant to the cooperative agreement.

Bonita Peak Mining District

Jason King provided historical background about the Bonita Peak Mining District where hard rock mining over the last 150 years has resulted in multiple sources of contamination, most notably the Gold King Mine release in 2015 which turned the Animas River orange. That led to seven years of complex litigation in which Colorado negotiated the receipt of approximately \$7 million in natural resource damages. Trustee staff began to solicit project proposals in early 2024 and, as of the May 2025 deadline, has received five project proposals totaling approximately \$3.5 million which is the amount the Trustees decided to award in the first phase of funding. Mr. King reported that all five project proposals meet the eligibility screening criteria and are being reviewed by Trustee staff with assistance from BRI. He added that Trustee staff hope to have a recommendation in early 2026. Some discussion ensued regarding sources of matching funds for these proponents.

Natural Resource Damages Primer and Introduction to Site Visit

David Banas presented “Natural Resource Damages 101” to educate members of the public about the Colorado NRDs Program including the steps for NRDs assessment and restoration, and how that process differs from Superfund cleanups. Jason King illustrated the NRDs process by applying it to the release of snowmaking water into Gore Creek in 2021 which resulted in a settlement with the Vail Corporation and funding for the Gore Creek Habitat Restoration Project. Mr. King introduced Nancy Johnston from Trout Unlimited who gave a detailed presentation of the Restoration Project, and Peter Wadden from the Town of Vail who added details demonstrating the Town’s historical and ongoing commitment to fish habitat. Ms. Johnston also expressed appreciation for CPW’s contribution to the concept planning and the engineering work done by WaterVation. Lucas Babbitt from WaterVation explained the technical aspects of the Restoration Project.

Executive Session

Senior AAG Lukas Staks recommended the Trustees make a motion to go into Executive Session to consider Agenda Item #8 on the Trustee Meeting agenda regarding the Home Lake State Wildlife Area. He stated the Executive Session is authorized pursuant to section 24-6-402(3)(a)(II), C.R.S. and other laws that allow the Trustees to enter Executive Session for specific purposes. At approximately 11:05 a.m., Trustee White moved to begin an Executive Session to discuss Agenda Item #8. Trustee Ray seconded the motion, and the motion was unanimously approved. The Executive Session was digitally recorded.

At approximately 11:40 a.m., Trustee Wheeler moved to end the Executive Session. Trustee White seconded the motion, and the motion was unanimously approved, whereupon Executive Session was ended.

Open Session

Trustee Wheeler stated that the Trustees had concluded Executive Session, discussion between the Trustees and their legal counsel was limited to privileged attorney-client communication about Agenda Item #8 concerning the Home Lake State Wildlife Area, and this communication was separately recorded.

Trustee Wheeler moved that the Trustees direct staff to proceed regarding the Home Lake matter as discussed in Executive Session. Trustee White seconded the motion, and the motion was unanimously approved.

At approximately 11:45 a.m., Trustee White moved to adjourn the Meeting. Trustee Ray seconded the motion, and the motion was unanimously approved.

ITEM #3
NO
DOCUMENTS

ITEM #4

NRD Matter	Bonita Peak	California Gulch	Fountain Creek	Idarado	Lowry	N. St. Vrain
Total Settlement	\$6,600,000.00	\$10,000,000.00	\$345,000.00	\$1,000,000.00	\$1,606,930.00	\$245,305.00
Total NRD dollars spent	\$33,466.00	\$15,227,501.66	\$0.00	\$1,561,412.98	\$1,697,685.71	\$0.00
Account Balance 10/24/2025	\$6,903,680.31	\$3,795,783.17	\$391,905.94	\$219,362.96	\$408,037.86	\$261,484.78
Most recent TT Resolution Date	NONE	11/14/2023	4/23/2019	11/14/2024	8/14/2023	NONE
Current Trustee awarded amount	\$0.00	\$3,953,875.00	\$389,638.01	\$218,746.75	\$675,000.00	\$0.00
Contract Encumbrances	\$33,579.50	\$3,478,696.35	\$391,905.94	\$0.00	\$359,720.31	\$0.00
Remaining funds	\$6,870,100.81	\$317,086.82	\$0.00	\$219,362.96	\$48,317.55	\$261,484.78
Type of Restriction	Restoration Plan required	Follow State and USFWS Restoration Plans	None	None	Groundwater nexus to the South Platte	None
Remaining funds available	\$239K from Blue Tee will be added from the HSRF in Phase 2.	Interest and remaining funds available	Interest to CPW, no remaining funds available	Interest to TLR, no remaing funds available.	Interest to USFWS, no remaing funds available.	Interest and remaining funds to Watershed Center, no remaining funds available
Update	Restoration Proposals under review. Restoration Plan under contract	All SPP projects are under contract and underway	Chilcott Diversion project ongoing	Working on new contract for TLR (Silver Mountain Mine)	Restoration by USFWS underway	Working with proponent to develop SOW for contract

NRD Matter	RMA Recovery Fund	RMA Found- ation Fund	Standard Metals	Summitville	Uravan	Vail /Gore Creek
Total Settlement amount	\$17,400,000.00	\$10,000,000.00	\$415,368.00	\$5,000,000.00	\$1,000,000.00	\$248,660.00
Total NRD dollars spent	\$13,165,478.64	\$9,185,555.00	\$0.00	\$5,150,936.93	\$1,208,532.60	\$0.00
Account Balance 10/24/2025	\$7,798,043.96	\$1,415,494.03	\$499,920.05	\$253,671.14	\$182,699.78	\$246,281.31
Most recent TT Resolution Date	2/11/2025	2/11/2025	12/9/2022	1/21/2021	3/24/2021	NONE
Current award	\$7,981,622.04	\$1,504,791.97	\$0.00	\$1,171,620.00	\$270,000.00	\$0.00
Contract Encumbrances	\$175,477.94	\$564,791.97	\$0.00	\$219,355.99	\$182,699.78	\$244,970.11
Remaining funds	\$7,622,566.02	\$850,702.06	\$499,920.05	\$34,315.15	\$0.00	\$1,311.20
Type of Restriction	None	None	None	Money (plus interest) must be spent in Alamosa River Watershed	None	None
Remaining funds available	All funds awarded, interest to be allocated if available, no remaining funds available	All funds awarded, interest to be allocated if available, no remaining funds available	\$230K awarded; remaining funds for Silverton	Interest to TU, no remaining funds available	Interest to WEEDC, no remaining available funds	Interest to TU, no remaining funds available
Update	Contracting process almost complete for Ducks Unlimited and Mile High Flood District	DNR and CDPHE IG Contract complete. DNR under contract with Bluff Lake and working on contract with Montbello	Gossan Creek Project delayed - waiting on FS NEPA - remaining funds for BPMD	Working on a new 10-year contract for the In Stream Flow Project	WEEDC Restoration projects underway. DRMS identifying new locations	Restoration is underway

ITEM #5-10
NO
DOCUMENTS